



American Chemical Society

OFFICE OF THE PRESIDENT

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WASHINGTON, D.C. 20036

Edel Wasserman
President-Elect, 1998
President, 1999
Immediate Past President, 2000

NEUP-88802
AUG 26 1999

August 25, 1999

American Chemical Society Comments in Support of EPA's Proposed Project XL Site-Specific Rulemaking for University Laboratories (64 FR 40695-40715).

Docket No. F-1999-NEUP-FFFFF
RCRA Docket Information Center
Office of Solid Waste (5305W)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460

Dear Administrator Browner:

The American Chemical Society (ACS) submits the following comments on U.S. Environmental Protection Agency's (EPA) proposed rule for Project XL Site-Specific Rulemaking for University Laboratories. The notice was published in the July 27, 1999, *Federal Register* (64 FR 40695-40715).

We strongly support EPA's proposed rule and its intent to provide regulatory flexibility to these institutions. We wish to encourage this project and these institutions in their pursuit of environmental excellence and appropriate alternative hazardous waste regulations for laboratories. There is great promise in an integrated, flexible, performance-based approach to managing hazardous waste in university laboratories.

This rulemaking acknowledges that laboratories differ significantly from industry, for which most EPA rules are written. As noted in the *Federal Register*, laboratories produce small amounts of multiple wastes on a non-continuous basis. As a result, it is difficult for universities to comply with the current requirements. Both EPA and the National Research Council have documented that EPA regulations can be unreasonable and inefficient in a laboratory setting.¹

We believe that the proposed performance-based management system will actively promote prudent and safe waste treatment and disposal practices, encourage chemical reuse and recycling, minimize costs and increase efficiency. We agree with EPA that the proposed rule should result in superior environmental performance and significant cost savings to universities. Most importantly, the project will be protective of human health and the environment.

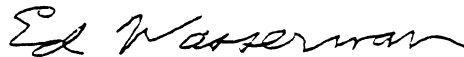
¹ Report to Congress: Management of Hazardous Waste from Educational Institutions. U.S. Environmental Protection Agency, National Technical Information Service-Document PB89-187-629 (April 1989) and National Research Council. Prudent Practices in the Laboratory (Washington, DC: National Academy Press, 1995).

Because this project is designed to address the concerns of specific universities, it would be inappropriate to view this rulemaking as a model for all universities or all laboratories. For example, an Environmental Management Plan may not improve environmental performance at other institutions. Some institutions have achieved superior environmental performance through regulatory flexibility provided by EPA and state guidance, interpretations, enforcement discretion and agreements. None of the recommended changes weaken environmental protections. In fact, these approaches enable hazardous waste generators to reallocate resources for environmental improvements.

Following the certain success of this pilot, we hope EPA will encourage broader proposals and be even more flexible in helping make the Resource Conservation and Recovery Act (RCRA) work optimally in laboratories. We encourage EPA to sustain its reinvention initiatives for storing mixed low-level radioactive waste and streamlining the permitting process of RCRA storage and simple treatment facilities.² As EPA exercises its regulatory flexibility, generators will reach ever higher environmental performance.

In conclusion, the ACS supports EPA's proposed rule. We believe it can provide results that are superior to those provided by the current regulatory framework. Thank you for considering our comments and for providing ACS the opportunity to comment. Should you have questions after you have had an opportunity to review this letter, please contact Peter A. Reinhardt, University of Wisconsin-Madison Safety Department/Chairman, ACS Task Force on Laboratory Waste Management, at (608) 262-8769.

Sincerely,

A handwritten signature in cursive script that reads "Ed Wasserman".

Ed Wasserman

² See 64 FR 10064 and www.epa.gov/permits/papmem.htm for EPA's Action Plan for Achieving the Next Generation in Environmental Permitting.